

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

BRICE BENNETT,

Plaintiff,

v.

ANNA GOMEZ, et al.,

Defendant.

Civil Action No. 3:16-CV-1698

(Judge Kosik)

ORDER

AND NOW, THIS 13th DAY OF SEPTEMBER, 2016, IT APPEARING TO THE COURT THAT:

[1] Plaintiff, Brice Bennett, filed the instant action, *pro se*, on August 15, 2016 (Doc. 1);

[2] Pursuant to the statutory obligations under 28 U.S.C. § 1915(3)(2), Magistrate Judge Martin C. Carlson screened the complaint to assess whether it failed to state a claim upon which relief could be granted;

[3] On August 24, 2016, the Magistrate Judge issued a Report and Recommendation (Doc. 6), recommending that Plaintiff's complaint be dismissed for failure to state a claim upon which relief can be granted;

[4] Plaintiff has failed to file objections to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

[5] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

[6] Upon reasoned consideration of the Report and Recommendation, we agree with the Magistrate Judge that Plaintiff has failed to state a claim upon which relief can be granted;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated August 24, 2016 (Doc. 6) is **ADOPTED**;

[2] Plaintiff's complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**;

[3] Plaintiff may file an amended complaint to correct the deficiencies aptly explained by the Magistrate Judge in his report, within **TWENTY ONE (21) DAYS** of the date of this Order. Failure to do so will result in the Court closing this case;

[4] The Clerk of Court is directed to **CLOSE** this case if an amended complaint is not filed within twenty one (21) days of the date of this Order;

[5] The Clerk of Court is further directed to **FORWARD** a copy of this Order to the Magistrate Judge; and,

[6] The matter is to be remanded to the Magistrate Judge for any further proceedings.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge